

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

17-CV-4413

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This cover sheet is governed by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DiSabatino, Gregory

(b) County of Residence of First Listed Plaintiff

Delaware

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Brian J. Foley, Attorney at Law; 6701 Germantown Ave, Ste 200; Philadelphia, PA 19119; 267-930-4425

DEFENDANTS

Southern Glazer's Wine and Spirits LLC
Southern Glazer's Wine and Spirits of
Pennsylvania LLC

County of Residence of First Listed Defendant

Miami Dade

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

Citizen of This State

PTF

DEF

☐ 1☐ 1

Incorporated or Principal Place of Business In This State

PTF

DEF

☐ 4☐ 4

Citizen of Another State

☐ 2☐ 2

Incorporated and Principal Place of Business In Another State

☐ 5☐ 5

Citizen or Subject of a Foreign Country

☐ 3☐ 3

Foreign Nation

☐ 6☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Age Discrimination in Employment Act (ADEA)

Brief description of cause: pretextual termination

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

OCT - 3 2017

DATE

SIGNATURE OF ATTORNEY OF RECORD

10/03/2017

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Gregory DiSabatino, 4331 Concord Road, Aston, PA 19014

17 4413

Address of Defendant: Southern Glazer's Wine and Spirits LLC, 1600 NW 163rd St., Miami, FL 33169; Southern Glazer's Wine and Spirits of Pennsylvania LLC, 460 American Ave., PO Box 60384, King of Prussia, PA 19406-1405

Place of Accident, Incident or Transaction:

King of Prussia, PA; Pottstown, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐

No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐

No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) ADEA

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Brian J. Foley, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☒ Relief other than monetary damages is sought

DATE: 10/03/2017

Brian J. Foley

Attorney-at-Law

PA Bar No. 68806

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/03/2107

R. J. Foley
Attorney-at-Law

PA Bar No. 68806

Attorney I.D.#

OCT - 3 2017

TJS

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Gregory DiSabatino

CIVIL ACTION

v.

Southern Glazer's Wine and Spirits LLC :
and Southern Glazer's Wine and Spirits of :
Pennsylvania LLC :

17 4413
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

October 3, 2017

Brian J. Foley

Gregory DiSabatino

Date

267-930-4425

Attorney-at-law

267-930-4427

Attorney for

Brian@BrianJFoleyLaw.com

Telephone**FAX Number****E-Mail Address**

400

TJS

BRIAN J. FOLEY, Attorney at Law
BY: **BRIAN J. FOLEY, ESQ.** (PA ID No. 68806)
6701 Germantown Avenue, Suite 200
Philadelphia, PA 19119
(267) 930-4425
Attorney for Plaintiff Gregory DiSabatino

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREGORY DiSABATINO

4331 Concord Road
Aston, PA 19014

Plaintiff

v.

**SOUTHERN GLAZER'S WINE AND SPIRITS
LLC**

1600 N.W. 163rd Street
Miami, FL 33169-5641

and

**SOUTHERN GLAZER'S WINE AND SPIRITS
OF PENNSYLVANIA LLC**

460 American Ave.
P.O. Box 60384
King of Prussia, PA 19406-1405,

Defendants.

17 4413

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT

PRELIMINARY STATEMENT

1. This is an action for an award of damages, liquidated damages, attorneys' fees and other relief on behalf of Plaintiff Gregory DiSabatino, a former employee of Southern Glazer's Wine and Spirits LLC and Southern Glazer's Wine and Spirits of Pennsylvania LLC. Mr. DiSabatino has been harmed by Defendants' age discrimination. This action arises under the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.*, and the Pennsylvania Human Relations Act, 43 P.S. § 951, *et seq.*

JURISDICTIONAL STATEMENT

2. This Court has original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States pursuant to 28 U.S.C. §§ 1331, 1343, and 1391. This Court has supplemental jurisdiction over any Pennsylvania state law claims pursuant to 28 U.S.C. § 1367.

3. All conditions precedent to the institution of this suit have been fulfilled. Plaintiff filed a charge with the Equal Employment Opportunity Commission (EEOC) on or around June 1, 2017 (Charge No. 530-2017-02778), which was dual filed with the Pennsylvania Human Resources Commission (PHRC). On July 6, 2017, the United States Equal Employment Opportunity Commission issued and mailed a Notice of Right to Sue. This action has been filed within 90 days of receipt of this Notice.

VENUE

4. This action properly lies in the Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1391(b), because the claims arose in this judicial district and Defendants conduct business in this judicial district.

PARTIES

5. Plaintiff, Gregory DiSabatino (hereinafter “Mr. DiSabatino”), is an adult male citizen and resident of Aston, Pennsylvania.

6. Southern Glazer’s Wine and Spirits LLC (“Southern Glazer’s”) is a limited liability corporation with a mailing address of 1600 N.W. 163rd Street, Miami, Florida, 33169, and 14911 Quorum Drive, Ste. 150, Dallas, Texas, 75254. Southern Glazer’s distributes alcoholic beverages throughout the United States and transacts or has transacted business in the Eastern District of Pennsylvania, specifically through Southern Glazer’s PA and providing Southern Glazer’s PA with payroll and other managerial functions.

7. Defendant Southern Glazer’s Wine and Spirits of Pennsylvania LLC (“Southern Glazer’s PA”) is a limited liability corporation with a main office mailing address of 460 American Ave, PO Box 60384, King of Prussia, Pennsylvania, 19406-1405. Southern Glazer’s PA distributes wine and spirits beverages in Pennsylvania.

8. At all relevant times, employees of Defendants Southern Glazer's and Southern Glazer's PA acted as agents and servants for Defendants.

9. At all relevant times employees of Defendants were acting within the scope of their authority and in the course of employment under the direct control of Defendants.

10. At all relevant times Defendant Southern Glazer's is and has been an employer employing more than 20 employees.

11. At all relevant times Defendant Southern Glazer's PA is and has been an employer employing more than 20 employees.

12. At all relevant times, Defendants Southern Glazer's and Southern Glazer's PA are and have been employers as defined under the Age Discrimination in Employment Act and the Pennsylvania Human Relations Act, and are accordingly subject to the provisions of these laws.

FACTS

Mr. DiSabatino's Work History with Defendants

13. In June, 2012, Mr. DiSabatino, then 55 years old, was hired to work for Defendants, earning \$19.50 per hour. While in this position he received raises until he was earning \$23.26 per hour. In 2016, he earned about \$9,000 in overtime. Until the incident alleged by Defendants as the basis for his termination, he was never involved in any accidents or other incidents where damage to a truck or other property of

Defendants was caused. He drove a truck delivering wine and spirits to Pennsylvania Liquor Control Board stores and warehouses in the Philadelphia area exclusively. At all relevant times, he was qualified for this job.

Pretextual Termination

14. On Friday, November 11, 2016, Mr. DiSabatino and other drivers for Defendants participated in a "Pre Trip and Post Trip Inspection training" workshop in the morning before setting out on their routes.

15. At the end of the workshop, Mr. DiSabatino inspected the truck he was to drive that day. He noted on the Driver's Vehicle Inspection Report form that the passenger side cargo door was ajar.

16. That day, Mr. DiSabatino drove the truck and made his deliveries. To his knowledge, the truck was not in any collision or accident or otherwise damaged during his shift or afterward.

17. Mr. DiSabatino returned the truck later that day, during the evening. It was dark by then. Mike Murphy, a manager for Defendants, helped him unload the truck. Neither man observed any damage to the truck.

18. When Mr. DiSabatino next reported to work, Tuesday, November 15, 2016 (drivers drive Tuesdays through Fridays), he was told that the truck he had driven on Friday, November 15, 2016, had been damaged. The alleged damage was that the drivers' side corner cap of the cargo box of the truck had a hole in it about the

size of a softball, the rear corner cap of the cargo box was missing, and the cargo box was twisted.

19. Mr. DiSabatino responded he did not know of any such damage and said that to his knowledge, the truck was not in any collision or accident or otherwise damaged during his shift or afterward. He was shown photographs of the purported damage to at least one of the corner caps. The photographs were unmarked and undated and did not include any markings or any other identifying characteristics that could show they were photographs of the truck Mr. DiSabatino had driven the previous Friday. Mr. DiSabatino was told that this damage had already been repaired.

20. The purported twisted cargo box was not repaired. The purportedly damaged truck continued to be driven routinely and regularly in the usual course of business and, upon information and belief, was not repaired until sometime in January, 2017.

21. Defendants terminated Mr. DiSabatino on December 6, 2016, purporting that he was being terminated because he had knowingly failed to report an accident and/or damage to the truck he had driven on November 11, 2016. Mr. DiSabatino was 61 years old. At all times, Mr. DiSabatino has maintained that he did not know of any such damage and that to his knowledge the truck was not involved in any sort of collision when it was under his control on November 11, 2016.

22. This termination was pretextual. There was no reliable or credible evidence that Mr. DiSabatino had knowingly failed to report an accident or damage.

23. At least one other driver for Defendants who is substantially younger in age than Mr. DiSabatino has had numerous accidents, reported and unreported, causing damage to at least one of Defendants' trucks. This driver was not fired or, upon information and belief, otherwise disciplined for any of these accidents.

24. Upon information and belief, Mr. DiSabatino was replaced by an employee substantially younger than him.

Pattern and Practice

25. Defendants have a pattern and practice of age discrimination against its employees. Upon information and belief, they have terminated numerous employees who were over age 40 at the time, because of their age.

COUNT I

(AGE DISCRIMINATION IN EMPLOYMENT ACT)

26. Plaintiff Gregory DiSabatino repeats and incorporates by reference the allegations of all previous paragraphs as fully as though the same were set forth at length herein.

27. Mr. DiSabatino is over forty years of age and an individual within the class protected by the ADEA.

28. In treating Mr. DiSabatino differently because of his age, disciplining him and terminating his employment because of his age, defendants violated the ADEA.

29. Defendants intentionally and willfully discriminated against Mr. DiSabatino because of his age.

30. Defendants' violations were intentional and willful under the circumstances and warrant the imposition of punitive damages.

31. As a direct and proximate result of defendants' violation of the ADEA, Mr. DiSabatino has sustained the injuries, damages, and losses set forth herein, including a loss of earnings, loss of future earning power, as well as back pay, front pay, the value of various employment benefits, and the interest due thereon, in excess of \$150,000, and has incurred attorneys' fees and costs.

32. Mr. DiSabatino is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants' discriminatory and unlawful acts unless and until the Court grants the relief requested herein.

COUNT II

(PENNSYLVANIA HUMAN RELATIONS ACT)

33. Plaintiff Gregory DiSabatino repeats and incorporates by reference the allegations of all previous paragraphs as fully as though the same were set forth at length herein.

34. Based on the foregoing, Defendants have engaged in unlawful employment practices in violation of the PHRA.

35. In treating Mr. DiSabatino differently because of his age, disciplining him and terminating his employment because of his age, Defendants violated the PHRA.

36. As a direct result of Defendants' aforesaid willful and unlawful actions as aforesaid, in violation of the PHRA, Gregory DiSabatino has suffered severe emotional and psychological distress, humiliation, embarrassment, loss of self-esteem and has sustained a loss of earnings, loss of future earning power, back pay, front pay, the value of various employment benefits, and the interest due thereon, in excess of \$150,000, and has incurred attorneys' fees and costs.

PRAYER FOR RELIEF

37. Plaintiff Gregory DiSabatino repeats and incorporates by reference the allegations of all previous paragraphs as fully as though the same were set forth at length herein.

38. WHEREFORE, Plaintiff Gregory DiSabatino respectfully requests that this Court enter judgment in his favor and against the Defendants:

- a. Declaring that the acts and practices complained of herein are in violation of the Age Discrimination in Employment Act;
- b. Declaring that the acts and practices complained of herein are in violation of the Pennsylvania Human Relations Act;
- c. Enjoining and restraining permanently the acts and practices complained of herein;
- d. Awarding compensatory damages to Plaintiff to make Plaintiff whole for all past and future lost earnings, benefits and earnings capacity which Plaintiff has suffered and will continue to suffer as a result of Defendants' conduct;
- e. Awarding compensatory damages to Plaintiff for past and future emotional upset, mental anguish, humiliation, loss of life's pleasures and pain and suffering;
- f. Awarding liquidated damages to Plaintiff;
- g. Awarding punitive damages to Plaintiff;
- h. Awarding attorneys' fees and costs; and
- i. Such other relief as is deemed just and proper.

JURY DEMAND

Plaintiff Gregory DiSabatino hereby demands trial by jury as to all issues so triable.

BRIAN J. FOLEY, ATTORNEY AT LAW

BY: 
BRIAN J. FOLEY, ESQUIRE
Attorney for Plaintiff

Date: October 3, 2017